

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KENNETH COUNCIL,

Plaintiff,

V.

DRAFTKINGS, ET AL.,

Defendants.

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No. 3:24-cv-1370-D-BN

**ORDER WITHDRAWING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION FOR FURTHER SCREENING**

Plaintiff Kenneth Council filed a *pro se* complaint for monetary damages against Defendant Draftkings and two John Doe defendants, through which Council asserted a “civil rights claim” based on allegations that include that “Draftking geoplay does not function properly and is publicly known to have issues which provide unfair and unequal advantages to nonurban players, costing urban [players, like Council,] thousands of dollars.” Dkt. No. 3.

Senior United States District Judge Sidney A. Fitzwater referred the complaint to the undersigned United States magistrate judge for screening under 28 U.S.C. § 636(b) and a standing order of reference.

After reviewing the Council’s complaint, the undersigned entered findings of fact and conclusions of law recommending that the Court dismiss this lawsuit for lack of subject matter jurisdiction [Dkt. No. 5] (the “FCR”).

Council filed a response to the FCR, which he then amended, *see* Dkt. Nos. 6 & 7, and which the undersigned will liberally construe as amending the complaint as a

matter of course under Federal Rule of Civil Procedure 15(a)(1).

Because the amended response/operative complaint includes allegations to establish diversity subject matter jurisdiction under 28 U.S.C. § 1332, the undersigned WITHDRAWS the FCR to allow for further screening of the claims as amended.

SO ORDERED.

DATED: June 14, 2024



DAVID L. HORAN
UNITED STATES MAGISTRATE JUDGE